

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

FLAGSHIP WEST, LLC, et al.,	)	No. CV-F-02-5200 OWW/DLB
	)	
	)	ORDER DENYING PLAINTIFFS'
Plaintiffs,	)	MOTION FOR ATTORNEYS' FEES
	)	(Doc. 406) AND DEFENDANT NEW
vs.	)	PLAN EXCEL REALTY TRUST,
	)	INC.'S MOTION FOR ATTORNEYS'
	)	FEES (Doc. 410) WITHOUT
EXCEL REALTY PARTNERS, L.P.,	)	PREJUDICE
et al.,	)	
	)	
	)	
Defendants.	)	
	)	
	)	

Because of the Ninth Circuit's vacation of the Judgment awarding rescission damages to Plaintiffs and remand for determination of the availability of rescission, the motions for attorneys' fees filed by Plaintiffs and by Defendant New Plan Excel Realty Trust, Inc. are DENIED WITHOUT PREJUDICE. Upon resolution of the rescission issues, the parties may again file their respective motions for attorneys' fees.

IT IS SO ORDERED.

Dated: September 21, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE